

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: January 16, 2008
Bulk Item: Yes No

Division: Monroe County Housing Authority
Department: Monroe County SHIP Program

AGENDA ITEM WORDING: A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA APPROVING THE CORRECTION OF A SCRIBNER'S ERROR CONTAINED IN RESOLUTION 224-2007.

PREVIOUS RELEVANT BOCC ACTION: Approval of Resolution 224-2007 dated June 20, 2007 releasing Kenneth R. Smith from repayment of SHIP Homeowner Rehabilitation Loan funds expended and approving the repayment of the funds expended from the Monroe County Housing Authority administrative funds.

ITEM BACKGROUND: Resolution 224-2007 attached.

CONTRACT/AGREEMENT CHANGES:
N/A

STAFF RECOMMENDATION:
Approval

TOTAL COST: \$-0- **BUDGETED:** Yes No

COST TO COUNTY: \$-0- **SOURCE OF FUNDS:** N/A

REVENUE PRODUCING: Yes No **AMOUNT PER:** Month Year

APPROVED BY: County Atty. CSA OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL:
J. Manuel Castillo, Sr., Executive Director

DOCUMENTATION: Included To Follow Not Required

DISPOSITION: _____ **AGENDA ITEM #** _____

RESOLUTION NO. _____, 2008

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA APPROVING THE CORRECTION OF A SCRIBNER'S ERROR CONTAINED IN RESOLUTION 224-2007.

WHEREAS, the Board of County Commissioners of Monroe County, Florida approved Resolution 224-2007 on June 20, 2007; and

WHEREAS, Resolution 224-2007 stated as follows: "The Monroe County Housing Authority is hereby authorized to re-pay the funds expended from the SHIP Homeowner Rehabilitation Loan totaling \$586.34 from Monroe County Housing Authority administrative funds."; and

WHEREAS, Resolution 224-2007 should have read: "The Monroe County Housing Authority is hereby authorized to re-pay the funds expended from the SHIP Homeowner Rehabilitation Loan totaling \$586.34 from Monroe County SHIP Administrative Funds."

NOW THEREFORE, BE IT RESOLVED BY THE Board of County Commissions, of Monroe County, Florida, that the County hereby:

1. Corrects the scribner's error in section 2 of Resolution 224-2007, to read:
The Monroe County Housing Authority is hereby authorized to re-pay the funds expended from the SHIP Homeowner Rehabilitation Loan totaling \$586.34 from Monroe County SHIP Administrative Funds.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2008.

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

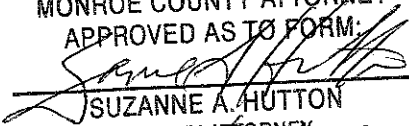
Mayor McCoy _____
 Mayor Pro Tem Di Gennaro _____
 Commissioner Spehar _____
 Commissioner Murphy _____
 Commissioner Nugent _____

By: _____
Mayor Charles McCoy

SEAL:

ATTEST: Danny L. Kolhage, Clerk

By: _____
Deputy Clerk

MONROE COUNTY ATTORNEY
 APPROVED AS TO FORM:

 SUZANNE A. HUTTON
 COUNTY ATTORNEY
 Date 1/6/08

RESOLUTION NO. 224 - 2007

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, RELEASING KENNETH R. SMITH FROM REPAYMENT OF SHIP HOMEOWNER REHABILITATION LOAN FUNDS EXPENDED; APPROVING THE REPAYMENT OF THE FUNDS EXPENDED FROM THE SHIP HOMEOWNER REHABILITATION LOAN FROM MONROE COUNTY HOUSING AUTHORITY ADMINISTRATION FUNDS, AND APPROVAL FOR THE MAYOR TO EXECUTE A SATISFACTION OF MORTGAGE AND PROMISSORY NOTE TO CANCEL THE \$35,000 MORTGAGE AND PROMISSORY NOTE ERRONEOUSLY RECORDED ON MARCH 20, 2007 IN THE OFFICIAL RECORDS OF MONROE COUNTY, FLORIDA.

WHEREAS, on July 14, 2006, after being approved and issued a commitment from the Monroe County SHIP Program for SHIP Homeowner Rehabilitation Loan Funds, the Applicant, Kenneth R. Smith, executed a Mortgage and Promissory Note in the amount of \$35,000 for 100 Palm Lane, Islamorada; and

WHEREAS, on July 6, 2006, Check No. 506743 was issued to Thomas Radicchi by Monroe County in the amount of \$275.00 as payment for a complete home inspection requested by the Monroe County SHIP Program; and

WHEREAS, on July 26, 2006, Check No. 507625 was issued to Keys Roofing, Inc. by Monroe County in the amount of \$311.34 as payment for roof plans; and

WHEREAS, the applicant, Kenneth R. Smith, received a \$15,000 grant from CDBG and no longer required the SHIP Homeowner Rehabilitation Loan funds; and

WHEREAS, a total of \$586.34 was expended from this SHIP Homeowner Rehabilitation Loan; and

WHEREAS, said Mortgage and Promissory Note was erroneously recorded on March 20, 2007, approximately eight months later, in the Official Records of Monroe County, Doc #1633376, Book #2280, Page #1851-1857; and

WHEREAS, the Monroe County Housing Authority has agreed to re-pay the \$586.34 expended from the SHIP Homeowner Rehabilitation Loan from Monroe County Housing Authority Administration Funds and release Kenneth R. Smith from any obligation related to this Mortgage; and

WHEREAS, it is the desire of the Monroe County Board of County Commissioners and the Monroe County Housing Authority to cancel/satisfy a Mortgage and Promissory Note that was erroneously recorded in the Official Records of Monroe County, Florida on behalf of applicant, Kenneth R. Smith, located at 100 Palm Lane, Islamorada, Florida for SHIP Homeowner Rehabilitation Loan Funds; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Monroe County, Florida, that:

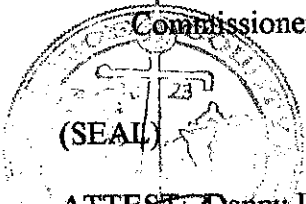
1. Kenneth R. Smith is hereby released from re-payment of the funds expended from the SHIP Homeowner Rehabilitation Loan totaling \$586.34.
2. The Monroe County Housing Authority is hereby authorized to re-pay the funds expended from the SHIP Homeowner Rehabilitation Loan totaling \$586.34 from Monroe County Housing Authority administrative funds.
3. The Mayor is hereby authorized to execute a Satisfaction of Mortgage and Promissory Note to be prepared by the Monroe County Housing Authority to cancel the \$35,000 Mortgage and Promissory Note that was erroneously recorded on March 20, 2007 in the Official Records of Monroe County, Florida, Doc #1633376, Book #2280, Page #1851-1857, thereby releasing Kenneth R. Smith from any obligation thereto.
4. The Monroe County Housing Authority shall be responsible for the timely recording of the Satisfaction of Mortgage and Promissory Note in the Official Records of Monroe County, Florida.
5. The Monroe County Housing Authority shall provide Kenneth R. Smith with a copy of the recorded Satisfaction of Mortgage and Promissory Note for his records.

PASSED AND ADOPTED, by the Board of County Commissioners of Monroe County, Florida at a regular meeting on said Board on the 20th day of June, A.D., 2007.

Mayor Mario Di Gennaro
 Mayor Pro Tem Dixie M. Spehar
 Commissioner Charles "Sonny" McCoy
 Commissioner George Neugent
 Commissioner Sylvia Murphy

Yes
Yes
Yes
Yes
Yes

FILED FOR RECORD
 2007 AUG -8 PM 4:04
 DANNY L. KOLHAGE
 CLERK OF
 MONROE COUNTY, FLA.



ATTEST: Danny L. Kolhage, CLERK
 By: [Signature]
 Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
 OF MONROE COUNTY, FLORIDA
 By: [Signature]
 Mayor Mario DiGennaro

MONROE COUNTY ATTORNEY
 APPROVED AS TO FORM:
[Signature]
 SUZANNE A. HUTTON
 COUNTY ATTORNEY

Date 5/31/07

Marie Brouillette

From: Hutton-Suzanne [Hutton-Suzanne@MonroeCounty-FL.Gov]
Sent: Wednesday, January 02, 2008 12:58 PM
To: Marie Brouillette
Cc: Peters-Katherine
Subject: RE: Scribner's error Resolution 224-2007

I changed the resolution slightly. See attached. Will have Kathy send you scanned copy with my signature.

Suzanne A. Hutton
County Attorney
Monroe County
PO Box 1026
Key West, Fl. 33041-1026
305-292-3470

From: Marie Brouillette [mailto:BrouilletteM@kwha.org]
Sent: Wednesday, January 02, 2008 11:36 AM
To: Hutton-Suzanne
Subject: Scribner's error Resolution 224-2007

Hello Suzanne and Happy New Year. A brief history of Resolution 224-2007 - we had recorded a Homeowner Rehabilitation Note and Mortgage for Kenneth Smith who later elected not to proceed with the SHIP Program. We had incurred 2 expenses on Mr. Smith's behalf totaling \$586.34 (inspection and roof plans).

While preparing the year end closeout at the Clerk's office, Cheryl in Finance posted a receivable from other governments based on her interpretation of Resolution 224-2007 that the Monroe County Housing Authority would reimburse these program expenses. The Scribner's error is that the document should have read:

2. The Monroe County Housing Authority is hereby authorized to re-pay the funds expended from the SHIP Homeowner Rehabilitation Loan totaling \$586.34 from the Monroe County SHIP Administrative Funds.

But the resolution says the Monroe County Housing Authority administrative funds. As you are aware, the MC Housing Authority is the administrative agent for the SHIP program and the MC SHIP administrative funds are the monies utilized to run the program and repay miscellaneous program expenses not related to a specific transaction (mortgage loan) as well as salaries and basic expenses. Unfortunately I did not catch the error prior to submitting the resolution.

I have prepared the attached Resolution and Agenda Summary and would ask that you review & approve so that I may submit. Thank you. Marie

Please note: Florida has a very broad public records law. Most written communications to or from the Housing Authority regarding Housing Authority business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure.